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REMARKS

In the Office Action mailed October 7, 2003, the Examiner indicated that claims 1-5 are allowed, and that claims 14, 15, 23, 24, and 26 recite allowable subject matter and would be allowed if rewritten in independent form. Applicant thanks the Examiner for this indication of allowable subject matter. By this Amendment, claims 14, 23, and 26 have been rewritten in independent form. Accordingly, claims 1-5, 14, 23, and 26, as well as claims 7, 9, 11, 13, 15-17, 19-22, and 24, which now depend therefrom, are allowable.

Also in the Office Action, the Examiner rejected claims 6, 7, 9, 11, 17, and 18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,694,322 to Westerlage et al. in view of U.S. Patent No. 5,550,738 issued to Bailey et al.; rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. and U.S. Patent No. 6,301,533 to Markow; rejected claims 16 and 25 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U.S. Patent No. 5,673,018 issued to Lowe et al.; rejected claims 19-22 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. and U.S. Patent No. 4,875,167 to Price et al.; and rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. and U.S. Patent No. 5,497,323 to McCall et al. Applicant respectfully traverses these rejections for the reasons stated below.

By this Amendment, Applicant has canceled independent claims 6, 18, and 25 without prejudice, amended claims 7, 9-11, 13, 14, 16, 17, 19, 23, and 26 to more clearly define the present invention, and has added new claims 27-30 to define further features of the present invention. Applicant submits that no new matter has been introduced by this Amendment.

Applicant respectfully traverses the rejection of claims 6, 7, 9, 11, 17, and 18 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. Nevertheless, in order to expedite the prosecution of this application, Applicant has canceled independent claims 6 and 18 and has amended claims 7, 9, 11, and 17 to depend from allowable claims 14 and 26. Accordingly, this rejection has been rendered moot.

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Applicant respectfully traverses the rejection of claim 10 under 35 U.S.C. 103(a) as being unpatentable-over Westerlage et al. in view of Bailey et al. and Markow.

In the Office Action on page 4, the Examiner admits that Westerlage et al. in combination with Bailey et al. do not disclose an electronic mail message including the vehicle identification code in travel distance. However, the Examiner alleges that Markow teaches an electronic mail message including the vehicle identification code and travel distance. The Examiner refers to column 2, lines 53-58 and column 4, lines 19-31 of Markow. These passages of Markow are reproduced below. Column 2, lines 53-58 of Markow states:

The cellular modem permits tracking system 10 to remotely link to another computer to permit information to be exchanged therebetween. This information may relate to the position of vehicle 12 or other stored data, or to vehicle maintenance, rerouted information such as em-mails and voice mail, or any other information.

Column 4, lines 19-31 of Markow states:

In block 212, the methodology creates a route to record data taken during the trip. The route is minimally configured to include memory storage locations for the start point location, the end point location, an identification of the account for which the vehicle use is to be attributed and the distance traveled between the start and end point locations. Depending upon the desired complexity of tracking system, the route may be configured to also include date and time indicators and progress waypoints which show the progress of vehicle 12 during the course of the trip. In the example provided, the route is initialized with a temporary route account which will be updated at a later point in the methodology.

The latter quote from column 4 of Markow does not disclose anything relating to transmittal of an electronic mail message, let alone, an electronic mail message including the vehicle identification code and travel distance. Although the above quoted portion in column 2 of Markow does disclose that the cellular modem permits e-mail to be transmitted to the vehicle, it does not disclose that the vehicle identification code and travel distance are included in any such e-mail. Furthermore, it is noted that claim 10 recites that it is the computer server that is remotely located from the vehicle that generates an electronic mail message including the vehicle identification code and travel distance. These specifics are clearly not disclosed or suggested by

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Markow or any of the other cited references. Because the Markow reference discloses that the vehicle travel distance may otherwise be transmitted via the cellular modem (without generating an e-mail), there does not appear to be any reason why this information would inherently be imbedded within an e-mail message sent from the vehicle. In any event, there is absolutely no teaching why one skilled in the art would have configured a computer server that is remotely located from the vehicle to generate an e-mail including vehicle travel distance. Accordingly, Applicant respectfully submits that claim 10 is allowable over the teachings of Westerlage et al., Bailey et al., and Markow, whether considered separately or in combination.

New claims 27-30 are dependent claims that depend upon allowable claims 1, 14, 23 and 26. Accordingly, these claims are allowable based upon their dependence upon these allowable claims.

Applicant respectfully traverses the rejection of claims 16 and 25 under 35 U.S.C. 103(a) as being anticipated by Westerlage et al. and Lowe et al. Claim 25 has been canceled without prejudice and claim 16 to depend from allowable claim 26. Accordingly, this rejection has been rendered moot.

Applicant respectfully traverses the rejection of claims 19-22 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. and Price et al. Claim 19 has been amended such that claims 19-22 all depend from allowable claim 14. Accordingly, this rejection has been rendered moot.

Applicant respectfully traverses the rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Bailey et al. and McCall et al. Claim 13 has been amended to depend from allowable claim 14. Accordingly, this rejection has been rendered moot.

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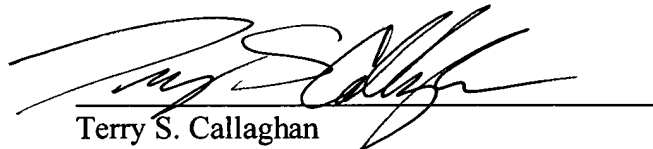
In view of all of the foregoing, Applicant submits that the present invention as defined in the pending claims is allowable over the prior art of record. The Examiner's reconsideration and timely allowance of the claims is requested. A Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

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Date


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